

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER EDWARD NOLAND,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CIV-07-494-F
	)	
GARFIELD COUNTY DETENTION	)	
CENTER, GARFIELD COUNTY	)	
SHERIFF'S OFFICE,	)	
	)	
Defendants.	)	

**ORDER**

On June 30, 2008, United States Magistrate Judge Valerie K. Couch entered a Report and Recommendation, wherein she recommended that plaintiff's complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted but that plaintiff be granted leave to amend the complaint within twenty days of any order adopting the Report and Recommendation. Magistrate Judge Couch additionally recommended that Defendant's Motion for Summary Judgment be denied as moot. In the Report and Recommendation, Magistrate Judge Couch advised the parties of their right to object by July 21, 2008, and further advised that failure to make timely objection waives the right to appellate review of the factual and legal issues therein addressed.

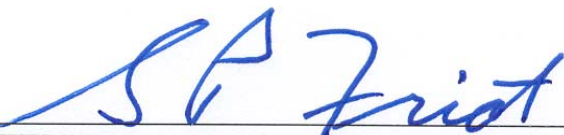
After reviewing the record in the case, the court, on July 29, 2008, granted plaintiff an extension of time until August 18, 2008, to file any objection to Magistrate Judge Couch's Report and Recommendation. On July 31, 2008, plaintiff filed a Motion for Enlargement of Time. In an order entered that same day, plaintiff's

motion was stricken as moot. The court ordered plaintiff to file any objection to the Report and Recommendation by August 18, 2008. The court advised plaintiff in both the July 29, 2008 and July 31, 2008 orders that failure to make timely objection to the Report and Recommendation waives the right to appellate review of the factual and legal issues therein addressed.

To date, plaintiff has not filed an objection to the Report and Recommendation and has not filed a request for an extension of time to file an objection. With no objection being filed within the time prescribed, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

Accordingly, plaintiff's complaint under 42 U.S.C. § 1983 is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted. Plaintiff, however, is granted leave to amend his complaint within twenty days from the date of this order. If plaintiff fails to amend his complaint within twenty days from the date of this order, the court shall enter an order and judgment dismissing the complaint pursuant to 28 U.S.C. § 1915(e)(B)(ii). If plaintiff files an amended complaint within twenty days of the date of this order, the court shall re-refer this matter to Magistrate Judge Couch for further proceedings. Defendants' Motion for Summary Judgment (doc. no. 46) is **DENIED as MOOT**.

DATED August 29, 2008.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE